



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**Via Electronic Mail To:** alee@lumensamericallc.com

**Docket No.** F-02-2020-5071

Andrew S. Lee  
Lumens America LLC  
65 Railroad Avenue  
Ridgefield, NJ 07657-2130

**Re: NOTICE OF REFUSAL OF ADMISSION**

Import of Ultraviolet Disinfection Machines, Entry No. 88H-02002456

Dear Mr. Lee:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, *et seq.*, the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

**Product Name:** Ultraviolet Disinfection Machines, Model VQ-XT100

**Importer:** Lumens America

**Manufacturer:** HK Veaqee Electronic Co. Ltd.

**Bill Number:** 17243223375-WA2007065

**Entry Number:** 88H-02002456

**Arrival Date:** 07/26/20

**Entry Filed:** 7/30/20

**Port of Entry:** 4701 – John F. Kennedy Airport

**Amount:** 180 units

Your company was previously notified via a Notice of Detention and Hearing ("NOD"), dated August 4, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that these products are pesticide devices because they are intended for disinfection and sterilization and that they are misbranded under Section 2(q) of FIFRA, 7 U.S.C. § 136(q) because there is no EPA producer establishment number on the label and the label makes misleading claims such as "visible disinfection" and "health index doubled." Misbranded pesticide devices are prohibited from sale and distribution in the U.S.; therefore, the products are in violation of FIFRA § 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on August 6, 2020, you sent documents to EPA provided to you by the manufacturer of the devices which show the facility where these devices were produced was not registered with EPA as a pesticide producing establishment until two days after they arrived in the U.S.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or [brannick.michael@epa.gov](mailto:brannick.michael@epa.gov).

Sincerely,

*for* Dore LaPosta, Director  
Enforcement & Compliance Assurance Division

cc: Joseph Lee, Accelerators International ([jlee@acceleratorsintl.com](mailto:jlee@acceleratorsintl.com))  
Kathleen Currid, U.S. Customs and Border Protection ([Kathleen.a.currid@cbp.dhs.gov](mailto:Kathleen.a.currid@cbp.dhs.gov))